

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

U.S. Bank Trust N.A. as Trustee of
American Homeowner Preservation
Trust series 2015A+,

ANSWER

22-cv-249

Plaintiff,

v.

City of Buffalo, New York
and the Buffalo Sewer Authority,

Defendants.

Defendants, by their undersigned attorney, for their answer to plaintiff's
complaint, upon information and belief allege:

1. Answering paragraph 1, deny that defendants' alleged actions constitute a taking, and lack knowledge or information sufficient to admit or deny the rest of the allegations.
2. Lack knowledge or information sufficient to admit or deny the allegations in paragraphs 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17.
3. Answering paragraph 3, admit that under New York law the City of Buffalo is a municipal corporation and the Buffalo Sewer Authority is a public benefit corporation.
4. The legal conclusions stated in paragraphs 4, 5, 6, 19, 20, 21, 22, 23, 24, 28, 29 and 30 are respectfully referred to the court for determination.
5. Repeat and reallege the answers to the allegations in paragraphs 18 and 27.
6. Deny the allegations in paragraphs 25, 26, 31 and 32.

7. Deny each and every allegation in the complaint or part thereof not specifically answered herein.

FIRST DEFENSE

8. The complaint may fail to state a claim upon which relief can be granted.

SECOND DEFENSE

9. The complaint may be barred, in whole or in part, by the applicable statute of limitations.

THIRD DEFENSE

10. The complaint may be barred, in whole or in part, by the doctrines of res judicata and collateral estoppel.

FOURTH DEFENSE

11. Personal jurisdiction may be lacking over the Buffalo Sewer Authority.

FIFTH DEFENSE

12. Plaintiff may have failed to join necessary parties.

SIXTH DEFENSE

13. The complaint may be barred, in whole or in part, by the prohibition against gifts of public funds.

SEVENTH DEFENSE

14. Plaintiff may lack standing.

EIGHTH DEFENSE

15. Plaintiff's claims may not be ripe for decision.

NINTH DEFENSE

16. The complaint may be barred, in whole or in part, by governmental immunity.

PRAYER FOR RELIEF

WHEREFORE, defendants request judgment dismissing plaintiff's complaint, together with the costs of this action including attorney's fees, and such other and further relief as the court deems just and proper.

Dated: Buffalo, New York
April 25, 2022

Yours, etc.,

Cavette A. Chambers
Corporation Counsel
Attorney for Defendants

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